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April,
1715.

CHAP. XXVI.

An ACT for the speedy trial of criminals, and ascertaining their punishment in the county courts when prosecuted there, and for payment of fees due from criminal persons.

A Supplementary act, May 1766, ch. 6.

Preamble.

WHEREAS many acts of assembly have been heretofore made against thieving and stealing, which at this present are not sufficient to prevent the committing those crimes, or to punish them when committed ;

Justices of
the county
courts, of
what crimes
they may
hold plea.

II. BE IT THEREFORE ENACTED, *by the King's most excellent majesty, by and with the advice and consent of his majesty's Governor, Council and Assembly of this province, and the authority of the same,* That it shall and may be lawful to and for the several justices of the county courts of this province to hold plea of, adjudge, and in lawful manner determine, all thieving and stealing of any goods or chattels whatsoever, not being above the value of one thousand pounds of tobacco (robbery, burglary, and house-breaking excepted,) (a) and every person or persons legally convicted of any such thieving and stealing (except before excepted,) by testimony of one sufficient evidence, not being the party grieved, before any such county court as aforesaid, shall and may cause to be punished, by paying fourfold of the value of the goods so thieved or stolen as aforesaid, and the stolen goods returned to the party or parties grieved thereby, and by putting in the pillory, and whipping so many stripes as the court before whom such matter is tried, shall adjudge, not exceeding forty ; which court shall always adjudge the value of the goods so thieved and stolen as aforesaid ; and if any such person, so convicted, have not sufficient goods and chattels, or be a servant, whereby he is incapable to have goods and chattels to satisfy and pay the said fourfold, in every such case, such person or persons shall receive the corporal punishment as aforesaid, and satisfy the fourfold, and fees of conviction, by servitude.

Time of service, when to commence.

III. AND BE IT HEREBY ENACTED AND DECLARED, *by the authority, advice and consent aforesaid,* That the time of service of a free person convict as aforesaid, not having goods and chattels as aforesaid, shall commence from the time of his conviction as aforesaid ; and the time of service of a servant, convict as aforesaid, shall commence at the expiration of such time of servitude, to which, at the time of his conviction, he stood bound, which time of servitude, for satisfaction for the

(a) By 1785, ch. 87, section 7, the justices of the county courts are empowered, (unless in cases particularly directed by law to be tried in the general court) to try all persons who have committed any manner of offence, although it may subject such person to the pains of death.

JOHN HART, Esq. GOVERNOR.

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stolen goods, and fees accrued as aforesaid, shall be adjudged by such county court, either to the party grieved, or any other person the court shall order such convict to, that will then and there pay, or secure to be paid, the fourfold and costs aforesaid, at the discretion of the court; and if any person or persons shall receive or take part of such stolen goods, or assist the person so stealing as aforesaid to make away or conceal them, being legally convicted as aforesaid, shall suffer the same corporal pains with the party stealing as aforesaid, any law, statute, usage or custom to the contrary notwithstanding.

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IV. AND, If any person or persons have been once convicted of any such thieving and stealing, (except before excepted,) and shall after be again presented for thieving and stealing of any goods or chattels, laid to be above the value of twelve-pence, it shall not be tried and determined by any county court, but the party presented, upon such presentment, shall be proceeded against in the provincial court as a felon for simple felony, but shall not be punished by death, but only paying the fourfold, branding with a hot iron, or such other corporal punishment as the court shall adjudge, saving life; and such presentment shall be, by the clerk of every such county court, immediately sent to the then next provincial court, together with a transcript of his former conviction, if such conviction was in the same court where the presentment aforesaid shall be, or otherwise, made known to the attorney-general in what other court such former conviction was, if to him known, under the penalty of five hundred pounds of tobacco to our sovereign lord the king, his heirs and successors, for the support of government; and the parties witnesses against such felons, if in court at the time of such presentment, shall be bound over to give evidence as aforesaid, or otherwise, if not in court, an account of their names and places of dwelling to be sent to the attorney-general, to be summoned against the then next provincial court, in order to such trial; and the party presented, if in court, to be bound over also, by due course of law, to answer such presentment, or, if not in court, proceeded against by due course of law as aforesaid.

Persons again prosecuted must be tried in the provincial court, if the presentment charges them with stealing above the value of 12 pence.

V. AND BE IT FURTHER ENACTED, *by the authority, advice and consent aforesaid*, That any person or persons whatsoever that shall kill any unmarked swine above three months old, if not upon his or their own land, or not in company with his or their own stock, shall and is hereby adjudged an hog stealer, and shall be liable to restore fourfold, and suffer such corporal pains as against the first offence in this act mentioned.

Penalty for killing unmarked swine.

VI. AND, to prevent any person or persons concealing or disfiguring the mark of any swine killed as aforesaid, BE IT FURTHER ENACTED, *by the authority advice and consent aforesaid*, That if any person or persons killing any such unmarked swine in the woods, or elsewhere, and shall wilfully disfigure the mark, or cut off the ears of such swine, so as to con-

For disfiguring their mark, &c.

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1715.

And on
persons con-
victed for
hunting, &c.

ceal the true and real mark, or whether it were marked or not, shall be deemed and adjudged a hog stealer within the purview of this act, and shall suffer accordingly.

VII. AND, to prevent the abusing, hurting or worrying of any stock of hogs, cattle or horses, with dogs, or otherwise, **BE IT ENACTED,** That if any person or persons whatsoever, that have been convicted of any of the crimes aforesaid, or other crimes, or that shall be of evil fame, or a vagrant, or dissolute liver, that shall shoot, kill or hunt, or be seen to carry a gun, upon any person's land, whereon there shall be a seated plantation, without the owner's leave, having been once before warned, shall forfeit and pay one thousand pounds of tobacco, one half to our sovereign lord the king, his heirs and successors, the other half to the party grieved, or those who shall sue for the same, to be recovered in any county court of this province by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law to be allowed.

Criminals to
pay their
own fees, by
servitude, if
not other-
wise capa-
ble.

VIII. AND BE IT FURTHER ENACTED, *by the authority, advice and consent aforesaid,* That from henceforth no sheriff, gaoler, clerk, crier, or other officer, shall charge either their own county, to which they belong, or the public, with any fees for any criminal committed to the charge of the said sheriff or gaoler, having sufficient estate in this province wherewith to pay the same, or being capable to pay the same by servitude, but that such criminals, being discharged by order and due course of law, shall pay their own fees to the sheriff, gaoler, clerk and crier, and other officers, being such as they may demand according to law, either out of his estate, or by servitude, or otherwise.

Vide 1781, ch 11.

Proviso.

IX. PROVIDED ALWAYS, That this act shall not extend to malefactors that are executed, or to such other persons who are banished, having no estate in this province, or to servants criminals, for whom the county shall pay such fees as are due by the acts of assembly to the sheriff, gaoler, clerk, crier, or other officers of such court where such criminal shall be convicted.

Officers fees,
how to be
paid.

X. AND BE IT FURTHER ENACTED, *by the authority aforesaid,* That all officers' fees due by law from (a) criminal servants, shall be paid by the county where the facts shall be committed; and that all and every such criminal servants for

(a) By the act of 1727, ch. 2, all fees due on the prosecution of imported servants, were to be paid by the masters, &c. of such servants, and not by the public or county; and the owners (unless in case of conviction and execution for capital offences,) to have recompence for such fees, by such servitude of the servants (not exceeding three years) as should be thought reasonable by the county court, &c. By May, 1766, ch. 6, the legal fees on the prosecution of any negro, or other slave, in any county court, (whether convicted or acquitted,) shall be paid by and assessed in the levy of the respective counties where prosecuted.

whom the county shall pay the fees due by law to such officers as aforesaid, shall, after the end and expiration of their time of servitude to their master or mistress, satisfy and pay unto the commissioners of the county who paid such fees for them to the sheriff, and other officers as aforesaid, for the use of the county, such sums as they have paid as aforesaid: and the several commissioners of the several counties shall, and are hereby empowered to make inquisition after all such servants, criminals, for whom the county hath defrayed the said fees to the sheriff, and other officers as aforesaid; and they, the said commissioners, according to their best discretion, shall cause to be entered rules for the servants to make such reasonable satisfaction to the county as they shall think fit, and in such manner as they shall find convenient.

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1715.

XI. AND, for the better security of the county which shall pay such fees for such criminal servants as aforesaid, BE IT ENACTED, *by the authority aforesaid*, That the master, mistress or dame of all such servants, be and are hereby enjoined and required, at the expiration of the time of such servant's servitude to such master, or mistress or dame, to render and deliver up to the sheriff of the county, for the use of the county aforesaid, such servants criminals as aforesaid, under the penalties to such master, mistress or dame, refusing or neglecting to deliver up such servants as aforesaid, of making satisfaction to the county for all such fees as by the county aforesaid have been paid for such criminal as aforesaid; and such sheriff to whom such criminal servant shall be delivered as aforesaid, is hereby required to receive and secure such servants criminals as aforesaid, so that he be and appear at the then next county court to be held for the said county, to be disposed of as the said court shall consider.

Masters, &c.
to deliver up
servants,
criminals under
penalty
of paying the
fees, paid
for the
criminal by
the county.

Vide list of acts respecting crimes and punishments, 1692, ch. 16.

CHAP. XXVII.

An ACT for the punishing the offences of adultery and fornication.

Other acts: 1749, ch. 12.—Nov. 1781, ch. 13.—1785, ch. 47.—1796, ch. 34.

BE IT ENACTED, *by the King's most excellent majesty, by and with the advice and consent of his majesty's Governor, Council and Assembly of this province, and the authority of the same*, That after the end of this session of assembly, whosoever shall, directly or indirectly, entertain, provide for, or cause to be entertained or provided for, any lewd woman or women, or that shall frequent her or their company, after that admonition to him or them be given by the minister, or the vestry, or the churchwarden or churchwardens of the parish where such person or persons shall inhabit, shall be adjudged

Certain persons to be adjudged fornicators, &c.

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THE
Statutes at Large
OF
PENNSYLVANIA
FROM
1682 to 1801

COMPILED UNDER THE
AUTHORITY OF THE ACT OF MAY 19 1887 BY
JAMES T MITCHELL AND HENRY FLANDERS
COMMISSIONERS

VOLUME III

1712 to 1724

CLARENCE M BUSCH
STATE PRINTER OF PENNSYLVANIA
1896

five shillings, one-half to the use of the poor of the said city, and the other half to the use of him or them who shall prosecute and cause such offender to be as aforesaid convicted: which forfeitures shall be levied by distress and sale of the offender's goods as aforesaid; and for want of such distress, if the offender refuse to pay the said forfeiture, he shall be committed to prison for every such offense the space of two days, without bail or mainprise.

Provided, That such conviction be made within ten days after such offense committed. And if such offender be a negro or Indian slave, he shall, instead of imprisonment, be publicly whipped, at the discretion of the magistrate.

Passed August 26, 1721. Apparently never considered by the Crown, but allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix IV, Section II, and Hill's letter and Fane's opinion in Appendix V, Section I, and the Acts of Assembly passed August 14, 1725, Chapter 237; February 6, 1730-31, Chapter 322; March 29, 1735-36, Chapter 338; February 9, 1750-51, Chapter 388; March 26, 1762, Chapter 481; March 9, 1771, Chapter 624; March 21, 1772, Chapter 648; December 24, 1774, Chapter 705; November 25, 1779, Chapter 867; March 28, 1787, Chapter 1279; September 29, 1787, Chapter 1318; April 13, 1791, Chapter 1573; April 11, 1793, Chapter 1698; April 18, 1794, Chapter 1743; April 18, 1795, Chapter 1857; March 29, 1802, P. L. 127; March 29, 1803, P. L. 542; April 4, 1807, P. L. 132; March 30, 1812, P. L. 182; March 14, 1818, P. L. 189; March 29, 1824, P. L. 152; February 10, 1832, P. L. 64; June 13, 1836, P. L. 551; March 16, 1847, P. L. 473; April 11, 1848, P. L. 504; April 8, 1851, P. L. 382; April 14, 1851, P. L. 549; March 20, 1856, P. L. 137; May 5, 1864, P. L. 841; March 23, 1865, P. L. 744; March 12, 1866, P. L. 160; June 2, 1870, P. L. 1316; April 17, 1878, P. L. 23; June 10, 1881, P. L. 111; June 11, 1885, P. L. 111.

CHAPTER CCXLVI.

AN ACT TO PREVENT THE KILLING OF DEER OUT OF SEASON, AND AGAINST CARRYING OF GUNS OR HUNTING BY PERSONS NOT QUALIFIED.

[Section I.] Be it enacted by Sir William Keith, Baronet, Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That if

any person or persons, after the publication hereof, shall kill or destroy any buck, doe, fawn, or any other sort of deer whatsoever, at any other time or season except only betwixt the first day of July and first day of January, he shall forfeit and pay for every such buck, doe, fawn, or other deer so killed or destroyed as aforesaid, the sum of twenty shillings; one-half thereof to the poor of the township where the offense is committed, and the other half to him who shall inform or sue for the same, before any justice of the peace of this province, who is hereby empowered and authorized to hear and determine the same, and to convict the offender, by the oath or affirmation of one or more witnesses.

Provided, That such conviction be made within two months after such offense is committed.

And for the better conviction of offenders against this act:

[Section II.] Be it enacted, That every person in whose custody shall be found, or who shall expose to sale any green deer skins, fresh venison, or deer's flesh, at any other time of the year than what is before excepted, and shall be convicted thereof as aforesaid, shall be deemed guilty of the said offense. And that the same green deer skins, fresh venison or deer's flesh so found as aforesaid shall be held to be good evidence in the cases aforesaid.

Provided always, That nothing contained in this act shall be deemed or construed to extend to any free native Indians carrying guns, hunting, killing, and having in their custody any skins or deer's flesh for their own use, anything in this act to the contrary notwithstanding.

And whereas divers abuses, damages and inconveniencies have arose by persons carrying guns and presuming to hunt on other people's lands, for remedy whereof for the future:

[Section III.] Be it enacted by the authority aforesaid, That if any person or persons shall presume, at any time after the sixteenth day of November, in this present year one thousand seven hundred and twenty-one, to carry any gun or hunt on the improved or inclosed lands of any plantation other than his own, unless he have license or permission from the owner of such lands or plantation, and shall be thereof convicted, either

upon view of any justice of the peace within this province, or by the oath or affirmation of any one or more witnesses, before any justice of the peace, he shall for every such offense forfeit the sum of ten shillings. And if any person whatsoever, who is not owner of fifty acres of land and otherwise qualified in the same manner as persons are or ought to be by the laws of this province for electing of members to serve in assembly, shall, at any time after the said sixteenth day of November, carry any gun, or hunt in the woods or uninclosed lands, without license or permission obtained from the owner or owners of such lands, and shall be thereof convicted in manner aforesaid, such offender shall forfeit and pay the sum of five shillings for every such offense.

[Section IV.] And be it further enacted by the authority aforesaid, That no person whatsoever shall presume to shoot at or kill with a firearm any pigeon, dove, partridge, or other fowl in the open streets of the city of Philadelphia, or in the gardens, orchards and inclosures adjoining upon and belonging to any of the dwelling houses within the limits of the said city, upon the forfeiture of five shillings for every such offense, to be convicted in manner aforesaid.

All which penalties and forfeitures shall go, one moiety to the informer, and the other to the poor of the township where such offense is committed. But if convicted upon view of a justice of the peace, the whole forfeiture shall be to the use of the poor. And if the offender refuse to pay, the same shall be levied by distress and sale of the offender's goods, by warrant under the hand and seal of the justice before whom such offender shall be convicted, returning the overplus, if any be, the charge of distraining being first deducted. And for want of such distress he shall be committed to prison, where the forfeiture is twenty shillings, for the space of ten days; and, where the forfeiture is ten shillings, for the space of five days; and, if the forfeiture is five shillings, for the space of two days, without bail or mainprise.

Passed August 26, 1721. Apparently never considered by the Crown, but allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix IV, Section II, and Hill's letter and Fane's opinion in Appendix V, Section I, and

the Acts of Assembly passed February 6, 1730-31, Chapter 323; January 27, 1749-50, Chapter 383. Repealed by Act passed April 9, 1760, Chapter 456.

CHAPTER CCXLVII.

AN ACT FOR THE WELL TANNING AND CURRYING OF LEATHER, AND REGULATING OF CORDWAINERS, AND OTHER ARTIFICERS, USING AND OCCUPYING LEATHER WITHIN THIS PROVINCE.

Whereas very great abuses have been committed by tanners, cutters and other persons, using and working of leather within this government, and the prices of leather become very exorbitant and burdensome to the people of this province: To the intent therefore that a reasonable and indifferent course for the true and well tanning, currying and working of leather, may be from henceforth established and appointed, and yet the persons using the several crafts and mysteries aforesaid may not be more strictly bound or limited than the necessary regard of the welfare and general commodity of all His Majesty's subjects within the said province requireth:

[Section I.] Be it enacted by Sir William Keith, Baronet, Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That from and after the twenty-fifth day of November next, in this present year of our Lord one thousand seven hundred and twenty-one, if any person or persons using, or which shall use, the mystery or faculty of tanning, or any person or persons importing, or who shall import, any leather into this province, shall at any time or times hereafter offer or put to sale any kind of leather which shall be insufficiently and not thoroughly tanned, so that the same, by the triers of leather lawfully appointed by virtue of this present act, for the time being, shall be found to be insufficiently not thoroughly tanned, that then all and every such person and persons so offending shall forfeit such leather, as shall be found insufficiently and not thoroughly tanned, unless the party importing the same will give

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A C T S passed by the General Assembly of the Province of *New-Jersey*, at *Perth Amboy* in 1722, being the Eighth Year of His Majesty's Reign.

C H A P. XXXIII.

An A C T for the Security of His Majesty's Government of New-Jersey.

Preamble.

Seet. 1. **W** H E R E A S some Persons in this Province, disaffected to His Majesty's Person and Government, propagate their pernicious Principles, to the great Hurt of His Majesty's faithful and loyal Subjects inhabiting within the same. And by Reason of their Intermeddling in publick Affairs, in Contempt of His Majesty's legal and just Authority, obstruct the publick Administration, and will, if not prevented, prove Dangerous to the Government of this Province.

Two or more
Justices, or any
Person specially
appointed by

B E I T T H E R E F O R E E N A C T E D by the Governor, Council and General Assembly, and it is hereby

CHAP. XXXV.

An ACT to prevent Killing of Deer out of Season, and against Carrying of Guns and Hunting by Persons not Qualified.

Any Person killing Deer in the Time by this Act disallowed, to forfeit 30s. &c.

SECT. I. **B**E IT ENACTED by the Governor, Council and General Assembly, AND IT IS HEREBY ENACTED by the Authority of the same, That if any Person or Persons, after the Publication hereof, shall kill or destroy any wild Buck, Doe or Fawn, or any other Sort of Deer whatsoever, at any Time in the Months of *January, February, March, April, May or June*, every such Person shall, for every such Offence, forfeit and pay the Sum of *Thirty Shillings*, for every such Buck, Doe or Fawn, or other Deer, so killed or destroyed as aforesaid, contrary to the true Intent and Meaning of this Act; one half thereof to the Poor of the Township or Precinct where the Offence is committed, and the other half to him who shall Inform or Sue for the same before any Justice of the Peace of this Province, who is hereby empowered and authorized to hear and determine the same, and to convict the Offender by the Oath or Affirmation of one or more Witnesses. Provided That ~~such~~ Conviction be made within two Months after ~~the~~ Offence committed.

Sale of green Skins to amount to a Conviction, &c.

2. AND for the better Convicting of Offenders against this Act, BE IT ENACTED by the Authority aforesaid, That every Person in whose Custody shall be found, or who shall expose to Sale, any green Deer Skins, fresh Venison or Deer's Flesh, at any Time in any of the Months of *January, February, March, April, May or June*, aforesaid, and shall be convicted thereof, as aforesaid, shall be deemed Guilty of the said Offence.

Not to extend to hinder killing them in Corn Fields, or by Indians

3. PROVIDED ALWAYS, That nothing contained in this Act, shall be deemed or construed to hinder any Person from killing any kind of Deer, within his Fields where Corn is growing, at any Time in the Month of *January*, nor to extend to any Free Native Indians carrying Guns, hunting, killing or having in their Custody any Skins or Deer's Flesh for their own Use; any Thing in this Act to the contrary notwithstanding.

4. And

The Eighth of GEORGE I.

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4. And whereas divers abuses have been committed, and great Damages and Inconveniencies arisen by Persons carrying of Guns and presuming to hunt on other Peoples Land; for Remedy whereof for the future, **BE IT ENACTED** by the Authority aforesaid, That if any Person or Persons shall presume, at any Time after the Publication hereof, to carry any Gun, or hunt on the improved or inclosed Lands in any Plantation, other than his own, unless he have Licence or Permission from the Owner of such Lands or Plantation, and shall be thereof convicted, either upon the View of any Justice of the Peace within this Province, or by the Oath or Affirmation of any one or more Witnesses, before any Justice of the Peace, he shall, for every such Offence forfeit the Sum of *Fifteen Shillings*, with Costs attending such Conviction. And if any Person whatsoever, who is not Owner of one Hundred Acres of Land, or otherwise qualified, in the same Manner as Persons are or ought to be for electing Representatives to serve in General Assembly, shall at any Time after the Publication hereof, carry any Gun, or hunt in the Woods or uninclosed Lands, without Licence or Permission obtained from the Owner or Owners of such Lands, and shall be thereof convicted, in Manner aforesaid, such Offender shall forfeit and pay the Sum of *Ten Shillings*, with Costs as aforesaid, for every such Offence. All which Penalties and Forfeitures shall go one Moiety to the Informer, and the other to the Poor of the Township or Precinct where such Offence is committed; but if convicted upon View of a Justice of the Peace, the whole Forfeiture shall be to the Use of the Poor. And if the Offender refuse to pay the same, with Costs, as aforesaid, shall be levied on by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of the Justice before whom such Offender shall be convicted, returning the over-plus, if any be, the Charge of Distraining being first deducted. And for want of Effects whereon to make such Distress, every Person so Offending, contrary to the true Intent and Meaning of this Act, shall be committed to Prison, when the Forfeiture is *Thirty Shillings*, for the Space of Fifteen Days; and when the Forfeiture is *Fifteen Shillings*, for the Space of Eight Days; and when the Forfeiture is *Ten Shillings*, for the Space of Five Days, without Bail or Mainprize.

No Person to carry a Gun or Hunt on Land inclosed but by assent of Owners &c.

Not on Lands uninclosed, unless freeholders &c.

Forfeitures how to be applied, and how to be levied &c.

5. **AND BE IT ENACTED** by the Authority aforesaid, That every Justice of the Peace, before whom any Person or Persons is convicted of having committed any of the Offences in and by this Act prohibited, is hereby directed and required to issue his Warrants for the bringing such Offender

Want of Effects to be committed to Gaol.

Cc

before

before him, and in Case of the want of Effects whereon to make Distress, to make out his Mittimus to commit such Offender to the Gaol of the County in which such Conviction is made; and the Sheriff, Under-Sheriff, or Gaol-keeper, is hereby directed and required to keep the said Offender in close Gaol, according to the Direction of this Act, and Tenor of such Mittimus to such Sheriff, Under-Sheriff, or Gaoler directed.

Sheriff refusing
&c. to receive
the party, to
forfeit 6l. &c.

And every Justice of the Peace neglecting or refusing to issue such Warrant, or make such Mittimus, and every Sheriff, or Under-Sheriff or Gaol-keeper, who shall not receive such Offender, and keep him in close Gaol, according to the true Intent and Meaning of this Act, shall, for every such neglect or refusal, or undue discharge of his Office in the Premises, forfeit the Sum of *Six Pounds*, to be recovered in any Court of Record within this Province, in which there shall be no Efloyn or Protection; the one half to such Person as shall sue for and prosecute the same to Effect, the other half to the King's Majesty, His Heirs and Successors, for and towards the Support of the Government of this Province.

Not to extend
to Negros, &c.
but they to be
whipped if con-
victed, &c.

6. AND IT IS ALSO FURTHER EN-
ACTED by the Authority aforesaid, That this Act, nor any Part thereof, shall be construed to extend to Negro, Indian or Mulatto Slaves, so as to commit them to Prison; during the Time in this Act limited, in Case they should be guilty of any of the Offences in this Act prohibited; but that then, and in such Case, such Indian, Negro or Mulatto Slave, killing and destroying any Deer as aforesaid, or carrying or hunting with any Gun, without Licence from his Master, shall, at the publick Whipping-Post, on the bare back, be Whipp'd, not exceeding Twenty Lashes, for every such Offence, for which Whipping the Master shall pay to the Whipper the Sum of *Three Shillings*, and pay no greater or other Cost whatsoever; any Thing in this Act to the contrary hereof in any wise notwithstanding.

L A W S
O F
N E W - Y O R K,

FROM
The Year 1691, to 1773 inclusive.

PUBLISHED ACCORDING TO AN ACT OF THE
GENERAL ASSEMBLY.

VOLUME THE SECOND.



QUUM LEGES ALIÆ SUPER ALIAS ACCUMULATÆ, EAS DE INTEGRO
RETRACTARE, ET IN CORPUS SANUM ET HABILE REDIGERE, EX
USU SIT.

BACON.

NEW - Y O R K :

Printed by HUGH GAINES, Printer to the King's Most Excellent Majesty in the
Province of New-York,
MDCCLXXIV.

also be necessary to annex to the said Certificate, an Affidavit of the following Tenor, sworn to before any Magistrate in the City of *New-York*:
A. B. being duly sworn, deposeth and saith, That he certainly knows [or has Affidavits to prove, as the Case may be] that the Hemp mentioned in the above, or the annexed Certificate, was all raised after the first of March, One thousand seven hundred and sixty-four, in the Colony of New-York, in the County of [here mentioning the County] and that no Bounty has yet been paid for it, or any Part of it, to the best of his Knowledge and Belief: And further saith not. The Inspectors above mentioned, before they enter on the Execution of their Office, shall take an Oath, faithfully to discharge the Duty of Inspectors, according to the Meaning of this Act.

[The Rest of this Act is OBSOLETE.]

4th GEORGE III.
 A. D. 1763.

Form of Affidavit
 to be sworn to before
 the Bounty shall be
 paid.

C H A P. MCCXXIX.

An ACT to regulate the guaging of Wine, Rum, and other Spirituous Liquors, Molasses, and other Purposes therein mentioned.

Pass'd the 20th December, 1763.

Expired 1st January,
 1771.

C H A P. MCCXXX.

An ACT to lay a Duty of Tonnage on Vessels for defraying the Expence of the Light-House on Sandy-Hook.

Pass'd the 20th December, 1763.

Continued Chap.
 1277:
 Expired 1st January,
 1772.
 Provided for Ch.
 1515.

C H A P. MCCXXXI.

An ACT empowering John Cruger, Robert R. Livingston, Philip Livingston, Leonard Lispenard, and William Bayard, Esquires, to receive from the Colony of Pennsylvania, the Sum of Four Thousand Three Hundred and Sixty-eight Pounds Two Shillings and Six-pence, Sterling, overpaid to the said Colony, out of the Parliamentary Grant for the Service of the Year One thousand seven hundred and sixty.

Pass'd the 20th December, 1763.

This Money being
 received and paid
 into the Treasury,
 the Act is therefore
 Obsolete.

C H A P. MCCXXXII.

An ACT to continue an Act, entitled, An Act for the Relief of Insolvent Debtors, and for repealing the Acts therein mentioned, with an Addition thereto.

Pass'd the 20th December, 1763.

See Chap. 1148.
 Continued Ch. 1309.

C H A P. MCCXXXIII.

An ACT to prevent hunting with Fire-Arms in the City of New-York, and the Liberties thereof.

Pass'd the 20th December, 1763.

WHEREAS it has long been the Practice of great Numbers of idle and disorderly Persons in and about the City of *New-York*, and the Liberties thereof, to hunt with Fire-Arms, and to tread down the Grass, and Corn and other Grain standing and growing in the Fields and Inclosures there, to the great Danger of the Lives of his Majesty's Subjects, the Ruin and Destruction of the most valuable Improvements, the grievous Injury of the Proprietors, and the great Discouragement of their Industry.

Preamble.

4th GEORGE III.
A. D. 1763.

Penalty for enter-
ing with Fire-Arms
into any inclosed
Land within this
City or its Liberties.

Or passing thro' Or-
chards, &c. without
Arms.

Before whom Offen-
ders to be convicted.

Forfeitures how to
be recovered and
applied.

Offenders to be
imprisoned if the
Fines are not paid,

Proviso.

I. In order therefore the more effectually to punish and prevent such Abuses as foresaid, Be it Enacted by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same, That if any Person or Persons whatsoever, other than the Owner, Proprietor, or Possessor, or his or her white Servant or Servants, do and shall, at any Time or Times from and after the Publication of this Act, carry, shoot, or discharge any Musket, Fowling-Piece, or other Fire-Arm whatsoever, into, upon, or through any Orchard, Garden, Corn-Field, or other inclosed Land whatsoever, within the City of New-York, or the Liberties thereof, without Licence in Writing first had and obtained for that Purpose from such Owner, Proprietor, or Possessor of such Orchard, Garden, Corn-Field, or other inclosed Land; or shall enter into, or pass through any Orchard, Garden, Corn-Field or Mowing-Ground, in any of the aforesaid Places without Fire-Arms, and thereof shall be convicted before any Member of his Majesty's Council, either of the Justices of the Supreme Court, or the Mayor, Recorder, or any one of the Aldermen of the City of New-York, for the Time being, by the Oath of one credible Witness, or by Confession of the Party offending, he, she, or they so offending, shall severally forfeit and pay for every such Offence, the Sum of *Twenty Shillings*; to be recovered and applied in the Manner herein after directed.

II. And be it further Enacted by the Authority aforesaid, That every Fine and Forfeiture, which shall accrue upon or by Virtue of this Act, shall be recovered, with reasonable Costs, not exceeding *Ten Shillings*, by any Person or Persons who shall and will sue, and prosecute for the same; One Half of such Fine and Forfeiture when recovered and received, to be applied to his, her, or their own Use; and the other Half thereof to be paid by him, her, or them, to the Church Wardens of the said City for the Time being, for the Use of the Poor thereof.

III. And be it further Enacted by the Authority aforesaid, That every Offender, who shall incur any such Fine or Forfeiture as aforesaid, shall, by Warrant under the Hand and Seal of any Member of his Majesty's Council, Justice of the Supreme Court, or the Mayor, Recorder, or Aldermen before whom he or they shall be convicted, stand and be committed to the Common Goal of the said City, there to remain for the Space of three Months, unless the Fine or Forfeiture, with Costs, be sooner paid. *Provided always*, That the Members of his Majesty's Council, and the Justices of the Supreme Court, shall be at Liberty to act in the Execution of this Law or not, as to them shall seem fitting.

C H A P. MCCXXXIV.

Expired 1st Ja-
nuary, 1770.
Provided for Ch.
1441.

An ACT to establish the Rates to be taken for Wharfage of Ships and other Vessels using the Wharfs within the Limits therein mentioned,
Pass'd the 20th December, 1763.

C H A P. MCCXXXV.

Obsolete.

An ACT to raise, levy, and collect, the Sum of Sixty-one Pounds Nineteen Shillings, in the City and County of New-York, for Services performed by the Coroner of the said City and County.
Pass'd the 20th December, 1763.

C H A P.

Laws Of New-York, From The Year 1691, To 1773 Inclusive. Vol. 2, Hugh Gaine, MDCCLXXIV. The Making of Modern Law: Primary Sources, link.gale.com/apps/doc/DT0103403799/MMLP?u=efgssf&sid=bookmark-MMLP&xid=d8a580f7&pg=22. Accessed 12 Oct. 2022.

ing with Guns, Traps and Dogs, have, by Experience, been found insufficient to answer the salutary Purposes thereby intended ; Therefore,

No Person to carry a Gun on Lands not his own, except, &c.

Penalty.

Sect. I. BE IT ENACTED by the Governor, Council and General Assembly of this Colony of New-Jersey, and it is hereby Enacted by the Authority of the same, That if any Person or Persons shall presume, at any Time after the Publication hereof, to carry any Gun on any Lands not his own, and for which the Owner pays Taxes, or is in his lawful Possession, unless he hath License or Permission in Writing from the Owner or Owners or legal Possessor, every such Person so offending, and convicted thereof, either upon the View of any Justice of the Peace within this Colony, or by the Oath or Affirmation of one or more Witnesses, before any Justice of the Peace of either of the Counties, Cities or Towns-corporate of this Colony, in which the Offender or Offenders may be taken or reside, he, she or they, shall, for every such Offence, forfeit and pay to the Owner of the Soil, or his Tenant in Possession, the Sum of *Forty Shillings*, with Costs of Suit ; which Forfeiture shall and may be sued for and recovered by the Owner of the Soil, or Tenant in Possession, before any Justice of the Peace in this Colony, for the Use of such Owner or Tenant in Possession.

No Person to drive Deer or other Game, except, &c.

Penalty.

2. AND BE IT ENACTED *by the Authority aforesaid,* That if any Person shall presume, at any Time after the Publication of this Act, to hunt or watch for Deer with a Gun, or set in any Dog or Dogs to drive Deer, or any other Game, on any Lands not his own, and for which the Owner or Possessor pays Taxes, or is in his lawful Possession, unless he hath License or Permission in Writing from such Owner or Owners or legal Possessor ; every such Person so offending, and being convicted thereof in Manner aforesaid, shall, for every such Offence, forfeit and pay to the Owner of the Soil, or Tenant in Possession, the Sum of *Forty Shillings*, with Costs of Suit ; provided, that nothing herein contained shall be construed to extend to prevent any Person carrying a Gun upon the King's Highway in this Colony.

Penalty on Non-Residents.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid,* That if the Person or Persons offending against this Act be Non-Residents of this Colony, he or they shall forfeit and pay for every such Offence *Five Pounds*, and shall forfeit his or their Gun or Guns to any Person or Persons who shall inform and prosecute the same to Effect, before any Justice of the Peace in any County of this Colony, wherein the Offender or Offenders may be taken or apprehended.

Penalty for killing, &c. Deer out of Season.

4. AND BE IT ENACTED *by the Authority aforesaid,* That if any Person or Persons shall kill, destroy, hunt or take any Doe, Buck, Fawn, or any Sort of Deer whatsoever, at any other Time or Season, except only between the first Day of *September* and the first Day of *January* yearly and every Year, he, she or they so offending, shall forfeit and pay the Sum of *Forty Shillings* for each and every Offence ; to be sued for, recovered and applied as hereafter is directed.

What shall be Evidence of such Killing, &c.

5. AND, for the better and more effectual convicting of Offenders against this Act, BE IT ENACTED *by the Authority aforesaid,* That any and every Person or Persons in whose Custody shall be found, or who shall

shall expose to Sale, any green Deerkins, or fresh Venison killed at any Time after the first Day of *January*, and before the first Day of *September* aforesaid, and shall be thereof convicted by the Oath or Affirmation of one or more credible Witneffes, shall be deemed guilty of offending against this Act, and be subjected to the Penalties of killing Deer out of Season.

6. AND WHEREAS great Numbers of idle and disorderly Persons make a Practice of hunting on the waste and unimproved Lands in this Colony, whereby their Families are neglected, and the Publick is prejudiced by the Loss of their Labour, BE IT THEREFORE ENACTED *by the Authority aforesaid*, That, from and after the first Day of *January* next, no Person or Persons whatsoever (except such Persons as are by the Laws of this Colony qualified to vote for Representatives in General Assembly, in Right of their Freeholds, and their Sons being of the Age of eighteen Years or upwards, and living with their Parent or Parents, or being Freeholders) shall, on any Pretence whatever, hunt on the waste and unimproved Lands in this Colony; and if any Person or Persons, not qualified as aforesaid, shall presume to hunt as aforesaid, he or they so offending shall forfeit and pay, for every such Offence, the Sum of *Twenty Shillings*; to be recovered by Action of Debt, with Costs, by any Person who shall sue for the same; to be applied one Half to the Prosecutor, and the other Half to the Use of the Poor of the Township or Precinct where the Fact was committed.

Who may hunt on unimproved Lands.

Penalty on Offenders.

7. AND BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons within this Colony shall set any Trap or other Device whatsoever, larger than what is usually and commonly set for Foxes and Muskrats, such Person, setting such Trap or other Device, shall pay the Sum of *Five Pounds*, and forfeit the Trap or other Device, shall suffer three Months Imprisonment, and shall also be liable to make good all Damages any Person shall sustain by setting such Trap or other Device, and the Owner of such Trap or other Device, or Person to whom it was lent, shall be esteemed the Setter thereof, unless it shall be proved, on Oath or Affirmation, what other Person set the same, or that such Trap or other Device was lost by said Owner or Person to whom it was lent, and absolutely out of his Power; and if the Setter of the Trap or other Device be a Slave, and it be his own voluntary Act, he shall (unless the Master or Mistress shall pay the Fine) in Lieu of such Fine, be publicly whipped with thirty Lashes, and committed till the Costs are paid; and that the said Trap or other Device shall be broken and destroyed in the View and Presence of the Justice of the Peace before whom they are brought: And if any Person or Persons shall have Possession of, or there shall be found in his or their House, any Trap or Traps, Device or Devices whatsoever, for taking of Deer, such Person or Persons shall be subjected to the same Penalty as if he or they were convicted of setting such Trap or Traps, or other Device.

Penalty on setting Traps, &c.

Penalty on a Slave setting such Trap, &c.

Penalty on keeping such Trap, &c.

8. AND, for encouraging the Destruction of such Traps and Devices, BE IT ENACTED *by the Authority aforesaid*, That if any Person shall seize any Trap or other Device for the taking Deer, and shall carry such Trap or other Device to any Magistrate of the County where such Trap or Device was seized, such Person shall be entitled to

Reward for seizing a Trap, &c.

an Order from the said Magistrate to the Collector of such County, to pay him the Sum of *Ten Shillings*, out of any Money in his Hands raised for the Use of the County; which Sums shall be allowed to such Collector on the Settlement of his Accounts.

Penalty on a Smith making or mending such Trap, &c.

9. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every Smith or other Artificer, who shall hereafter make or mend any such Trap or other Device aforesaid, he shall forfeit and pay the Sum of *Forty Shillings*; and the Person carrying such Trap or other Device to the Artificer aforesaid, shall forfeit and pay the Sum of *Twenty Shillings*. And every Person who shall bring into this Colony any such Trap or Device as aforesaid shall forfeit and pay the Sum of *Forty Shillings*. And if the Person who shall carry the same to the Smith or Artificer shall be so poor as that he shall not be able to pay the Forfeiture aforesaid, he shall be committed to the common Gaol, until he shall prove who is Owner of such Trap or Device, or who delivered the same to him; and in such Case the Forfeiture aforesaid shall be levied on the Goods, or in Failure of Goods, on the Body of the Owner of such Trap or Device, or the Person who delivered the same to the Pauper, and the Trap or Device shall be forfeited and destroyed.

Penalty on bringing such Trap, &c. into the Colony.

Penalty for setting loaded Guns.

10. AND WHEREAS a most dangerous Method of setting Guns has too much prevailed in this Province, BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons within this Colony shall presume to set any loaded Gun in such Manner as that the same shall be intended to go off or discharge itself, or be discharged by any String, Rope, or other Contrivance, such Person or Persons shall forfeit and pay the Sum of *Six Pounds*; and on Non-payment thereof shall be committed to the common Gaol of the County for six Months.

Application of Penalties.

11. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Fines and Forfeitures in this Act expressed, and not particularly appropriated, shall be paid, one Half to the Prosecutor, and the other Half to and for the Use of the Poor of the Town, Precinct or District, where the Offence is committed; and that the Execution of this Act, and every Part thereof, shall be within the Cognizance and Jurisdiction of any one Magistrate or Justice of the Peace, without any Reference to the Act for Trial of small Causes in this Colony.

Jurisdiction given to one Magistrate.

This Act not to affect Parks.

12. AND BE IT ENACTED, That nothing in this Law shall be construed to extend to restrain the Owners of Parks, or of tame Deer, from killing, hunting or driving their own Deer.

Penalty on Magistrate neglecting his Duty.

13. AND BE IT ALSO ENACTED *by the Authority aforesaid*, That if any Justice of the Peace or other Magistrate, within this Province, shall have Information of any Persons offending against this Act, in killing Deer out of Season, setting and making Traps, Non-Residents killing Deer, and Persons setting of Guns, and shall not prosecute the same to Effect within two Months after such Information, he shall forfeit and pay the Sum or Sums to which the Offender against this Act would have been liable.

14. AND

14. AND BE IT ENACTED *by the Authority aforesaid*, That the Justices at every Quarter-Sessions of the Peace shall cause this Act to be publickly read ; and give in Charge to the Grand-Jury to particularly inquire and present all Persons for killing Deer out of Season, setting or making Traps, and all Non-Residents killing, destroying, hunting and taking any Sort of Deer, and all Persons setting of Guns ; and, upon Conviction for either of the said Offences, the said Justices shall set and impose the Fines and Penalties herein before-mentioned, with Costs of Suit.

This Act to be published and executed.

15. AND BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons whatsoever, whether the Accused or Accuser, Plaintiff or Defendant, shall think themselves aggrieved by any of the Judgments given by the said Justices or other Magistrates, for any Suit commenced by Virtue of this Act ; then it shall and may be lawful for such Person or Persons to appeal, on giving sufficient Security for the Forfeitures and Costs, to the next Court of General Quarter-Sessions, held for such County where such Judgment shall be given ; which Court is hereby empowered to hear and determine all and every such Appeal or Appeals.

Appeal given to next Sessions.

16. AND BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons, within this Colony, shall, after the Publication of this Act, watch with a Gun, on any uninclosed Land within two Hundred Yards of any Road or Path, in the Night Time, whether the said Road is laid out by Law or not, or shall stand or station him or themselves upon or within two Hundred Yards of any Road as aforesaid, for shooting at Deer driven by Dogs, he or they so offending, shall, on Conviction, forfeit and pay the Sum of *Five Pounds* for every such Offence ; to be recovered by Action of Debt, or Presentment of the Grand-Jury as aforesaid, and pay all Damages.

Penalty for watching in the Night near a Road.

17. PROVIDED ALWAYS, That the sixth Section of this Act shall not be construed to affect any Native *Indian* ; and that nothing in this Act shall be construed to prevent the Inhabitants of *Essex, Bergen, Morris and Suffex*, from making, having in their Houses, or setting Traps of five Pounds Weight or more for Bears, Wolves, Foxes, or any other wild Beasts, Deer only excepted.

Not to affect Indians, nor Essex, Bergen, Morris or Suffex.

18. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That all former Laws made in this Colony for the Preservation of Deer and other Game, and to prevent trespassing with Guns, and regulating the Size of Traps, shall be, and they are hereby repealed.

Repeal of Former Laws.

C H A P. DXLI.

An ACT declaring the River Delaware a common Highway, and for improving the Navigation in the said River.

Passed Dec. 21, 1771.

WHEREAS the improving the Navigation in Rivers is of great Importance to Trade and Commerce ; AND WHEREAS the River *Delaware*

Preamble.

Delaware may be rendered much more navigable than it now is ; AND WHEREAS many Persons desirous to promote the publick Welfare have subscribed large Sums of Money for the Purpose aforesaid ; and it is represented that others will subscribe considerable Sums, if Commissioners are appointed by Law to receive the Subscriptions, and apply the same ; Therefore,

Delaware a publick Highway.

Sect. 1. BE IT ENACTED by the Governor, Council and General Assembly, and it is hereby Enacted by Authority of the same, That the River Delaware shall be, and it is hereby declared to be a common Highway, for the Purposes of Navigation up and down the same.

Commissioners appointed.

2. AND BE IT FURTHER ENACTED *by the Authority aforesaid, That Joseph Galloway, Joseph Fox, Michael Hillegas, Abel James, Samuel Rhoads, James Allen, Peter Knight, Esquires, Daniel Williams, Henry Drinker, Clement Biddle, Jeremiah Warder the Younger, Jacob Bright, John Baldwin, Richard Wells, Gentlemen, Thomas Yardley, Jacob Orndt, Peter Kecbline, Henry Kooker, Esquires, William Ledley, Nicholas Depui, Son of Samuel, Jacob Stroud and John Arbo, Gentlemen, the Honourable, John Stevens, James Parker and Daniel Coxe, Esquires, Samuel Meredith and Robert Field, Esquires, Doctor William Bryant, Abraham Hunt, Timothy Smith, Thomas Lowry, Ashur Mott, John Emley of Kingwood, Andrew Melick, Robert Hoops and Matthew Lowry, Gentlemen, be, and they are hereby appointed and constituted Commissioners for improving the Navigation in the said River Delaware ; who, or any twelve of them, the Survivors, or any twelve of them, shall have full Power and Authority, by Virtue hereof, to collect, recover and receive from any Person or Persons whatsoever, all such Sums of Money, which have been, or shall be given or subscribed for rendering the said River more navigable ; and so much of the said Monies as may be necessary for that Purpose, to lay out and apply for and towards improving the Navigation in the said River Delaware, from the lower Part of the Falls near Trenton, to the River Lehigh at Easton ; and the Residue thereof to lay out and apply for and towards improving the Navigation in that Part of the said River above the said River Lehigh. PROVIDED ALWAYS, That such Sums of Money as have been or shall be given or subscribed for the improving the Navigation of the said River, above the Lehigh aforesaid, separately, shall be laid out and applied for and towards that Purpose, and no other.*

To collect Subscriptions

and apply them.

To clear, straighten, &c.

3. AND BE IT FURTHER ENACTED *by the Authority aforesaid, That the said Commissioners, or any twelve of them, their Survivors, or any twelve of them, shall have full Power and Authority, by themselves, their Agents, Servants and Workmen, to clear, scour, open, enlarge, straighten or deepen, the said River where-ever it shall to them appear useful for improving the Channels ; and also to remove any Obstructions whatsoever, either natural or artificial, which may or can in any Manner hinder or impede the Navigation in the said River ; and to make and set up in the said River any Dams, Pens for Water Locks, or any other Works whatsoever, and the same to alter or repair as they shall think fit ; and also to appoint, set out, and make near the said River, Paths or Ways, which shall be free and open for all Persons having Occasion to use the same for towing, hauling or drawing any Vessels, Boats, small Craft and Rafts*

Rafts, of any Kind whatsoever; and from Time to Time to do and execute every other Matter or Thing necessary or convenient for improving the Navigation in the said River. PROVIDED ALWAYS, That no Dam, Pen, Lock or other Work, made or set up by the said Commissioners, shall be appropriated to the private Use or Benefit of any Person or Persons whatsoever, contrary to the true Intent and Meaning of this Act.

4. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That no Person or Persons whatsoever shall presume to divert, lead or draw at any Time or Times, by any Race or other Device, any Water of the said River out of or from the natural Course or Channel, for the Use of any Mill or Waterwork.

Watercourse
not to be di-
verted.

5. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That if any Person or Persons shall presume to oppose or hinder the said Commissioners, or any of them, their Agents, Servants and Workmen, or any of them, from doing any Act which they are hereby authorized and empowered to do, or shall make, erect, set up, repair or maintain, or shall be aiding, assisting or abetting in making, erecting, setting up, repairing or maintaining, any Dam or Obstruction which may or can in any Manner hinder or impede the Navigation in the said River; or shall remove, destroy, throw down, alter, injure or impair, any Dam, Pen, Lock or other Work, made or set up by the said Commissioners, or by Order of them, or any twelve of them, their Survivors, or any twelve of them; every Person so offending, being legally convicted thereof by Verdict of a Jury, or by his own Confession, before the Justices of the Peace in their Court of General Quarter-Sessions, shall forfeit and pay *Fifty Pounds* Proclamation Money of this Colony, for every such Offence, or shall suffer Imprisonment for twelve Months without Bail or Mainprize; one Moiety of which Forfeiture shall be paid to the Informer, and the other Moiety to the Commissioners herein appointed, or the Survivors of them as aforesaid, to be applied for and towards improving the Navigation in the said River.

Penalty on
hindering the
Commission-
ers, &c. or
obstructing
the Navigati-
on.

Application.

6. AND WHEREAS Doubts may arise in what Counties Offences committed in the said River *Delaware* against this Act ought to be tried; for removing thereof, BE IT ENACTED *by the Authority aforesaid*, That every Offence committed in or on the said River, against this Act, shall be laid to be committed, and may be tried and determined as aforesaid, in any of the Counties within this Colony opposite to or joining on that Part of the said River in which such Offence shall be committed.

Offences
where triable.

7. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That Nothing herein contained shall give any Power or Authority to the Commissioners herein appointed, or any of them, to remove, throw down, lower, impair, or in any Manner to alter a Mill-Dam erected by *Adam Hoops*, Esquire, late deceased, in the said River *Delaware*, between his Plantation and an Island in the said River nearly opposite to *Trenton*, or any Mill-Dam erected by any other Person or Persons in the said River, before the Passing of this Act; nor to obstruct, or in any Manner to hinder the Heirs or Executors

Not to injure
Mill-Dams
already erect-
ed.

of the said *Adam Hoops*, or such other Person or Persons, his or their Heirs and Affigns, from maintaining, raising or repairing, the said Dams respectively, or from taking Water out of the said River, for the Use of the said Mills and Waterworks, erected as aforesaid, and none other.

Commissioners to keep Minutes and report.

8. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Commissioners shall keep Minutes of their Proceedings, in Pursuance of the Power hereby given to them, fairly entered in a Book; and shall once in every Year make Report of their Transactions in improving the Navigation in the said River to the Council and Assembly of this Colony for the Time being, and shall lay before them a just and faithful Account of all Sums of Money by them received for the aforesaid Purposes, and in what Manner they shall be expended, that the same may be adjusted and settled.

C H A P. DXLII.

*An ACT for the more effectual maintaining, and keeping above the Flow of the Tide, that Part of the Road or Causeway between the Toll-Bridge over Newton Creek and the fast Land of Keziah Tonkin.**

Passed Dec. 21. 1771.

Preamble.

WHEREAS *Thomas Attmore, Isaac Burrough, Benjamin Thackray, Jacob Stokes, Hannah Cooper, Keziah Tonkin, Elizabeth Thackray and Job Haines*, Owners and Proprietors of the Meadows lying on the easterly Side of *Newton Creek*, in the County of *Gloucester*, have, by their Petition, set forth, That they have suffered, and are daily exposed to very considerable Damage by Reason of the Causeway and Road between the Toll-Bridge, called *William Gerrard's*, and the fast Land of *Keziah Tonkin*, not being raised above the Flowing of the Tides;

Possessors of the Toll-Bridge neglecting three Months.

Sect. 1. BE IT THEREFORE ENACTED by the Governor, Council and General Assembly, That if the Owner or Owners, Possessor or Possessors, of the Toll-Bridge erected over *Newton Creek*, shall neglect or refuse, for three Months after Publication hereof, to repair and raise, above the Flowing of the Tides, such Part of the Causeway and Road, leading from the Town of *Gloucester* to the *Coopers Ferries*, as lays on the East Side of *Newton Creek* aforesaid, from the End of said Toll-Bridge to the fast Land of *Keziah Tonkin*; then, and in such Case, it shall and may be lawful for the Managers, or the Survivors of them already appointed, or that shall be hereafter appointed, in Pursuance of an Act passed in the third Year of His present Majesty's Reign, entitled, *An Act to enable the Owners and Possessors of the Meadows lying on a Branch of Newton Creek, in the County of Gloucester, commonly called the Back Creek, to erect and maintain a Bank, Dam, and other Waterworks across the said Creek, in order to prevent the Tide from overflowing the same, and to keep the former Watercourse of said Creek open and clear,*† to repair, amend and raise the said Causeway and Road, from the Bridge aforesaid,

Managers of Back Creek Meadows to repair and raise the Causeway.

* This Act, though strictly private, being of a very publick Import, is admitted in this Collection.

† Chap. CCCLV.

6

ACTS

PASSED BY THE GENERAL ASSEMBLY

OF THE

STATE OF LOUISIANA,

AT THE

EXTRA SESSION,

HELD AND BEGUN IN THE CITY OF NEW ORLEANS,

ON THE 23d OF NOVEMBER, 1865.

PUBLISHED BY AUTHORITY.

NEW ORLEANS:
J. O. NIXON, STATE PRINTER,
1866.

ACTES

PASSÉS PAR L'ASSEMBLÉE GÉNÉRALE

DE

L'ÉTAT DE LA LOUISIANE,

A LA

SESSION EXTRA,

TENUE ET COMMENCÉE DANS LA VILLE DE LA NLE-ORLÉANS.

LE 23^{me} JOUR DE NOVEMBRE 1865.

PUBLIÉS PAR AUTORITÉ.

NOUVELLE-ORLÉANS:

J. O. NIXON, IMPRIMEUR D'ÉTAT.

1866.

incurred by his Excellency, J. Madison Wells, Governor of the State of Louisiana, in fitting up the Mechanics' Institute for the use of the General Assembly, the said amount to be paid on the warrant of the Auditor of Public Accounts, to the following persons, and as follows:

C. W. Grandjean, two thousand three hundred and twenty-seven dollars and eighteen cents.....	\$2,327 18
Allen Hill, two thousand and seventy-six dollars and fifty cents.....	2,076 50
A. Brosseau & Co., one thousand six hundred and thirty-nine dollars and ninety-two cents.....	1,639 92
Selby & Donlan, two hundred and eighty-four dollars and thirty-five cents.....	284 35
J. P. Coulon, three hundred and seventy-one dollars and sixty-five cents.....	371 65
P. Ward, one hundred dollars.....	100 00
John Gauche, twenty dollars and fifty cents.....	20 50
Sampson & Kean, thirty dollars.....	30 00
G. W. R. Bailey, two hundred dollars.....	200 00
Total.....	\$7,050 10

SEC. 2. Be it enacted, &c., That this act shall take effect from and after its passage.

DUNCAN S. CAGE,

Speaker of the House of Representatives.

ALBERT VOORHIES,

Lieutenant Governor and President of the Senate.

Approved December 18, 1865.

J. MADISON WELLS,

Governor of the State of Louisiana.

A true copy:

J. H. HARDY,

Secretary of State.

No. 10.]

AN ACT

To prohibit the carrying of fire-arms on premises or plantations of any citizen, without the consent of the owner.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That it shall not be lawful for any person or persons to carry fire-arms on the premises or plantations of any citizen, without the consent of the owner or proprietor, other than in lawful discharge of a civil or military order; and any person or persons so offending shall be fined a sum not less than one dollar nor more than ten dollars, or imprisoned not less than one day nor more than ten days in the parish jail, or both, at the discretion of any court of competent jurisdiction.

Penalty.

15

préparer, pour l'usage de l'Assemblée Générale, les salles de l'Institut des Artisans. Le susdit montant sera payé sur le mandat de l'Auditeur des Comptes Publics, aux personnes ci-après désignées, ainsi que suit:

C. W. Grandjean, deux mille trois cent vingt-sept piastres et dix-huit cents.....	\$2,327 18
Allen Hill, deux mille soixante-seize piastres et cinquante cents.....	2,076 50
A. Brousseau & Cie., mille six cent trente-neuf piastres et quatre-vingt-douze cents.....	1,639 92
Selby & Donlaw, deux cent quatrevingt-quatre piastres et trente-cinq cents.....	284 35
J. P. Coulon, trois cent soixante-onze piastres et soixante-cinq cents.....	371 65
P. Ward, cent piastres.....	100 00
John Gauche, vingt piastres et cinquante cents.....	20 50
Sampson & Keen, trente piastres.....	30 00
G. W. R. Bailey, deux cents piastres.....	200 00

Total \$7,050 10

Sec. 2. Décrètent de plus: Cet acte sortira son effet à compter de son adoption.

DUNCAN S. CAGE,
Orateur de la Chambre des Représentants.
ALBERT VOORHIES,

Lieutenant-Gouverneur et Président du Sénat.

Approuvé le 18 décembre 1865.

J. MADISON WELLS,
Gouverneur de l'Etat de la Louisiane.

Pour copie conforme:

J. H. HARDY,
Secrétaire d'Etat.

No. 10.]

ACTE

Défendant le port d'armes à feu dans le domaine ou l'habitation de tout citoyen sans le consentement du propriétaire.

SECTION 1. Le Sénat et la Chambre des Représentants de l'Etat de la Louisiane, réunis en Assemblée Générale, décrètent: La loi défend à toute personne de porter des armes à feu dans le domaine ou l'habitation de tout citoyen, sans le consentement du propriétaire, excepté dans l'accomplissement légitime d'un ordre civil ou militaire; toute contravention à cette loi sera punie d'une amende d'au moins une piastre et de dix au plus, ou d'un emprisonnement d'un jour au moins, et qui n'en excèdera pas dix, dans la prison de paroisse; les deux peines pourront être infligées à la fois, à la discrétion de toute cour de juridiction compétente.

Peine contre le
port illégal d'ar-
mes à feu.

16

Repealing
clause.

SEC. 2. Be it further enacted, &c., That all laws, or parts of laws, to the contrary notwithstanding, be and the same are hereby repealed.

DUNCAN S. CAGE,

Speaker of the House of Representatives.

ALBERT VOORHIES,

Lieutenant Governor and President of the Senate.

Approved December 20, 1865.

J. MADISON WELLS,

Governor of the State of Louisiana.

A true copy:

J. H. HARDY,

Secretary of State.

No. 11.]

AN ACT

To Prevent Trespassing.

Persons offend-
ing against this
Act, before
whom tried.

Fine.

Repealing
clause.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That whosoever shall enter upon any plantation without the permission of the owner or agent, shall be deemed guilty of a misdemeanor, and shall be liable to be arrested and brought before any court of competent jurisdiction, and upon proof of the fact shall be fined in a sum not exceeding one hundred dollars, or imprisoned for a term not exceeding one month, and may, moreover, be required to give bond for good behavior during six months.

SEC. 2. Be it further enacted, &c., That all laws, or parts of laws, contrary to the provisions of this act, be and the same are hereby repealed.

SEC. 3. Be it further enacted, &c., That this act shall take effect from and after its passage.

DUNCAN S. CAGE,

Speaker of the House of Representatives.

ALBERT VOORHIES,

Lieutenant Governor and President of the Senate.

Approved December 20, 1865.

J. MADISON WELLS,

Governor of the State of Louisiana.

A true copy:

J. H. HARDY,

Secretary of State.

No. 12.]

AN ACT

To amend and re-enact the one hundred and twenty-first section of an act entitled "An Act relative to crimes and offences," approved March 14, 1855.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That

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SEC. 2. Décrètent de plus: Toutes lois ou dispositions contraires ^{Clause d'abrogation.} à cet acte, sont et demeurent abrogées par les présentes.

DUNCAN S. CAGE,

Orateur de la Chambre des Représentants.

ALBERT VOORHIES,

Lieutenant-Gouverneur et Président du Sénat.

Approuvé le 20 décembre 1865.

J. MADISON WELLS,

Gouverneur de l'Etat de la Louisiane.

Pour copie conforme:

J. H. HARDY,

Secrétaire d'Etat.

No. 11.]

ACTE

Empêchant la violation du droit de propriété.

SECTION 1. Le Sénat et la Chambre des Représentants de l'Etat de la Louisiane, réunis en Assemblée Générale, décrètent: Quiconque entrera dans une habitation sans le consentement du propriétaire ou de son agent, sera considéré coupable d'un délit, et sera sujet à être arrêté et traduit devant toute cour de juridiction compétente; la preuve du fait susdit entraînera une condamnation à une amende qui n'excèdera ^{Amende.} pas cent piastres, ou à un emprisonnement qui ne durera pas plus d'un mois, et l'on pourra de plus exiger du coupable un cautionnement qui répondra de sa bonne conduite pendant six mois.

SEC. 2. Décrètent de plus: Toutes lois ou dispositions à ce con- ^{Clause d'abrogation.} traires, sont par le présent abrogées.

SEC. 3. Décrètent de plus: Cet acte sortira son effet à compter ^{Mise à effet.} de son adoption.

DUNCAN S. CAGE,

Orateur de la Chambre des Représentants.

ALBERT VOORHIES,

Lieutenant-Gouverneur et Président du Sénat.

Approuvé le 20 décembre 1865.

J. MADISON WELLS,

Gouverneur de l'Etat de la Louisiane.

Pour copie conforme:

J. H. HARDY,

Secrétaire d'Etat.

No. 12.]

ACTE

Amendant et réédicant la cent vingt-et-unième section de l'acte intitulé: "Acte relatif aux Crimes et Délits," approuvé le 14 mars 1865.

SECTION 1. Le Sénat et la Chambre des Représentants de l'Etat de la Louisiane, réunis en Assemblée Générale, décrètent :

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A DIGEST
OF THE
LAWS OF TEXAS:
CONTAINING THE LAWS IN FORCE,
AND
THE REPEALED LAWS
ON WHICH RIGHTS REST,
FROM 1754 TO 1874,
CAREFULLY ANNOTATED.

BY GEORGE W. PASCHAL,
OF AUSTIN, TEXAS,
LATE REPORTER OF THE SUPREME COURT OF TEXAS, AUTHOR OF PASCHAL'S ANNOTATED
CONSTITUTION, PASCHAL'S DIGEST OF DECISIONS, ETC., ETC.

Fourth Edition—Volume II

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CRIMINAL CODE.

1321

TITLE XI.—OF OFFENSES AGAINST THE PUBLIC PEACE.

Arts. 1984-1995.

CHAPTER I.—UNLAWFUL ASSEMBLIES.

AN ACT TO AMEND THE PENAL CODE FOR THE STATE OF TEXAS.

6 Nov., 1871; took effect from passage. Vol. 21, part 3, p. 19. Art. 1993.

ART. 6508. [1] The penal code for the state of Texas [shall] be amended as follows, by inserting after article 363 the following: [363a] If the purpose of the unlawful assembly be to alarm and frighten any person or persons, by appearing in disguise, so that the real persons so acting and assembling cannot be readily known, and by using language or gestures calculated to produce in such person or persons the fear of bodily harm, all persons engaged therein shall be punished by fine not less than one hundred dollars nor more than one thousand dollars each; and if such unlawful assembly shall take place at any time of the night, that is, between sunset and sunrise, the fine shall be doubled; and if three or more persons are found together disguised, and armed with deadly weapons, the same shall be *prima facie* evidence of the guilty purpose of such persons, as above described; and if any other unlawful assembly mentioned in this chapter consist in whole or in part of persons disguised and armed with deadly weapons, the fine to be assessed upon each person so offending shall be double the penalty hereinbefore prescribed.

Unlawfully appearing in disguise as Ku-klux, White Camelias, and other devil-try, punished. Arts. 7030-7036.

If at night, double punishment.

Three or more together. *Prima facie* evidence.

CHAPTER III.—AFFRAYS AND DISTURBANCES OF THE PEACE.

Arts. 2011-2013.

AN ACT TO PROHIBIT THE DISCHARGING OF FIREARMS IN CERTAIN PLACES THEREIN NAMED.

12 Nov., 1866; took effect 13 Jan., 1867. Vol. 20, p. 210.

ART. 6508a. [1] It shall not be lawful for any person to discharge any gun, pistol, or firearms of any description whatever, on, or across any public square, street, or alley, in any city or town in this state: *Provided*, This act shall not be so construed as to apply to the "outer town," or suburbs, of any city or town.

Discharging firearms within municipal limits made unlawful;

ART. 6508b. [2] Any person who shall discharge any firearms, in violation of the provisions of the first section of this act, shall be deemed guilty of disturbing the public peace, and on conviction thereof, before any court having competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars, to be recovered as other fines and penalties.

and punished, as disturbance of the peace, by fine not exceeding \$100.

AN ACT TO AMEND ARTICLE 382, TITLE XI, CHAPTER 3, OF THE PENAL CODE.

26 Oct., 1866; took effect from passage. Vol. 20, p. 60.

ART. 6509. [1] Article 382, title XI, chapter III, of the penal code, shall hereafter read as follows: If any one or more persons shall, in any public place, by loud and vociferous talking, swearing, or rudely displaying any pistol, or other deadly weapon, so as to disturb the inhabitants of the place in the prosecution of their lawful business, any person engaged in such disturbance shall be fined in any sum not exceeding fifty dollars.*

Disturbance of the peace, &c., by quarreling. Art. 2012.

Fine not to exceed \$50.

AN ACT TO PROHIBIT THE CARRYING OF FIREARMS ON PREMISES OR PLANTATIONS OF ANY CITIZEN WITHOUT THE CONSENT OF THE OWNER.

6 Nov., 1866; took effect 13 Jan., 1867. Vol. 20, p. 90.

ART. 6510. [1] It shall not be lawful for any person or persons to carry firearms on the inclosed premises or plantation of any citizen, without the consent of the owner or proprietor, other than in the lawful discharge of a civil or military duty, and any person or persons so offending shall be fined a sum not less than one nor more than ten dollars, or imprisonment in the county

Carrying firearms an offense.

\$10 fine, or ten

* 1330a. This is sufficiently certain and complete. *Sisk v. The State*, 35 Tex., 496.

1322

CRIMINAL CODE.

days' imprisonment.

jail nor less than one day nor more than ten days, or both, in the discretion of the court or jury before whom the trial is had.

12 Aug., 1870; took effect 12 Oct., 1870. Vol. 21, part 1, p. 63. Persons not to bear arms at public assemblies. Social intercourse and elections not to be made dangerous.

AN ACT REGULATING THE RIGHT TO KEEP AND BEAR ARMS.

Art. 6512.

Kinds of weapons prohibited.

Fine \$50 to \$500. Notes, 111, 167.

Scalp-lifting country excepted.

Armed officials.

ART. 6511. [1] If any person shall go into any church or religious assembly, any school-room or other place where persons are assembled for educational, literary, or scientific purposes, or into a ball-room, social party, or other social gathering, composed of ladies and gentlemen, or to any election precinct on the day or days of any election, where any portion of the people of this state are collected to vote at any election, or to any other place where people may be assembled to muster or to perform any other public duty, or any other public assembly, and shall have about his person a bowie-knife, dirk, or butcher-knife, or firearms, whether known as a six-shooter, gun, or pistol of any kind, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty or more than five hundred dollars, at the discretion of the court or jury trying the same: *Provided*, That nothing contained in this section shall apply to locations subject to Indian depredations: *And provided further*, That this act shall not apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law.

12 April, 1871; took effect 12 June, 1871. Vol. 21, part 2, p. 25. Carrying arms a misdemeanor, punishable by fine and forfeiture, unless, &c. Patriots and militiamen excepted. Art. 6511.

[This section is constitutional. *English v. The State*, 35 Tex., 474.]

Fine \$25 to \$100 for first offense.

Imprisonment for second offense. Notes 111, 167.

People at home and officials excepted.

[Carrying weapons to and from market is within the proviso. *Waddell v. The State*, 37 Tex., 356. But carrying a pistol hog hunting in the woods is not within the exception. *Baird v. The State*, 39 Tex., 609.]
Art. 6512.
Justification must be immedi-

AN ACT TO REGULATE THE KEEPING AND BEARING OF DEADLY WEAPONS.

ART. 6512. [1] Any person carrying on or about his person, saddle, or in his saddle-bags, any pistol, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of knife manufactured or sold for the purpose of offense or defense, unless he has reasonable grounds for fearing an unlawful attack on his person, and that such ground of attack shall be immediate and pressing; or unless having or carrying the same on or about his person for the lawful defense of the state, as a militiaman in actual service, or as a peace officer or policeman, shall be guilty of a misdemeanor, and, on conviction thereof, shall, for the first offense, be punished by fine of not less than twenty-five nor more than one hundred dollars, and shall forfeit to the county the weapon or weapons so found on or about his person; and for every subsequent offense may, in addition to such fine and forfeiture, be imprisoned in the county jail for a term not exceeding sixty days; and in every case of fine under this section the fines imposed and collected shall go into the treasury of the county in which they may have been imposed: *Provided*, That this section shall not be so construed as to prohibit any person from keeping or bearing arms on his or her own premises, or at his or her own place of business, nor to prohibit sheriffs or other revenue officers, and other civil officers, from keeping or bearing arms while engaged in the discharge of their official duties, nor to prohibit persons traveling in the state from keeping or carrying arms with their baggage: *Provided further*, That members of the legislature shall not be included under the term "civil officers" as used in this act.

ART. 6513. [2] Any person charged under the first section of this act, who may offer to prove, by way of defense, that he was

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shall have power to grant a "leave of absence" to all inmates of the institution who shall prove by their diligence and upright behavior that they are entitled to the same; *provided*, that such "leave of absence" shall be given only upon the condition that such youth shall continue to lead a useful and honorable life; and the board shall have full power to recall all such absentees who may lapse into their former vicious habits.

Section 18. Any boy or girl committed to the state reform school shall be there kept, disciplined, instructed, employed, and governed until he or she arrives at the age of majority, or is bound out, reformed, or legally discharged under the direction and discretion of the said board. The binding out or discharge of a boy or girl as reformed, or having arrived at the age of majority, shall be a complete release from all penalties incurred by conviction of the offense for which he or she was committed, except as provided for in section 17 of this act.

Section 19. If any boy or girl convicted of any misdemeanor, committed to the reform school, shall prove unruly or incorrigible, or if the board of trustees shall decide that his or her presence is dangerous to the welfare of the school, the board shall have power to order his or her return to the county from which he or she came and deliver to the sheriff of the said county, and proceedings against him or her shall be resumed as if no warrant or order committing him or her to the reform school had been made; and the said sheriff shall be notified of such order by the superintendent of the school, and shall immediately, or at the earliest practicable day thereafter, visit the said school and receive such youth from the authorities of said institution.

Section 20. When any youth are committed to the reform school all expenses occurring in such cases, including the cost of transportation, both going and coming, shall be borne by the county from which such youth are committed. Commitments to said reform school shall be made in accordance with the provisions of this act; *provided, however*, that upon the application to the proper court by any religious society or body to which said youth or the parents of said youth may belong for the custody of such youth, when such religious society or body has provided a suitable institution for the care and reform of delinquent children or minors, the court, upon satisfactory showing by such religious society or body of such fact, may commit such minor to such religious institution.

Section 21. Upon the temporary or permanent discharge of any person committed to the reform school, the superintendent shall provide him with suitable clothing and procure transportation for him to his home, if resident in this state, or to the county in which

he may have been convicted; *provided*, that such discharge shall be approved by the said board of trustees; *and provided further*, that all expenses of transportation occurring in such cases shall be paid by the counties from which such youth were committed.

Section 22. If any parent or guardian or master to whom a youth has been apprenticed, or any person occupying the position of a parent, protector, or guardian in fact or in reality by blood or marriage, shall feel aggrieved by such commitment to such institution, he [may] make written application to the board of trustees of the institution for the discharge of such youth, which application shall be filed with the superintendent, who shall inform the board thereof, and the same shall be heard and determined by such board at such time and place as they shall appoint for that purpose, not later than the next regular meeting of the board. Such application shall state the grounds of the applicant's claim to the custody of the youth, and the reasons for claiming such custody. Within ten days after hearing said application, the board shall make and announce their opinion thereon, and if they shall be of the opinion that the welfare of such youth would be promoted by granting the application, they shall make an order to that effect; otherwise they shall deny the application; *provided*, that all expenses occurring in such cases shall be paid by said parents, guardians, or masters.

Section 23. Whenever the number of boys committed to the reform school shall exceed the accommodations thereof, it shall be the duty of the board of trustees to notify all the proper courts of the same, and no more commitments to the school shall be made until due proclamation shall have been made by the board of trustees that additional room has been provided.

Section 24. If any person shall procure the escape of any youth committed to the reform school, or devise, or connive at, aid or assist in such escape, or conceal any such youth so committed after such escape, he shall, upon conviction thereof in any court of competent jurisdiction, be punished by a fine of not less than one hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than two months nor more than one year, or by both such fine and imprisonment; or if such youth so convicted be under the age of sixteen years, then he shall be committed to the reform school, as in this act provided.

Section 25. So much of the acts entitled "An act to establish a reform school for juvenile offenders, and erect necessary buildings therefor," approved February 18, 1889, and "An act to provide for the further establishment, advancement, and development of the state reform school," approved February 20, 1891, as is in conflict with the provisions of this act, is hereby repealed.

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Section 26. Inasmuch as there is urgent need for the application of the amendments herein made, this act shall be in force from and after its approval by the governor.

Filed in the office of the secretary of state, February 20, 1893.

AN ACT

[s. B. 164].

To Amend an Act entitled "An Act to Protect Hotel Keepers, Inn-keepers, and Boarding-house Keepers," approved February 25, 1889.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. That section 1 of an act entitled "An act to protect hotel keepers, inn-keepers, and boarding-house keepers," approved February 25, 1889, be and the same is hereby amended so as to read as follows:—

Sec. 1. Hotel keepers, inn-keepers, lodging-house keepers, and boarding-house keepers shall have a lien upon the baggage, clothing, jewelry, and other valuables of their guests, lodgers, or boarders brought into such hotel, inn, lodging-house, or boarding-house by such guest, lodger, or boarder for the reasonable charges due from such guests, lodgers, or boarders for their accommodation, board, or lodging, and such extras as are furnished at the request of such guest, lodger, or boarder; and such hotel keeper, inn-keeper, lodging-house keeper, or boarding-house keeper may retain and hold possession of such baggage, clothing, jewelry, and other valuables until such charges be paid.

Filed in the office of the secretary of state, February 20, 1893.

AN ACT

[s. B. 179.]

To Amend Section 1 of an Act entitled "An Act to Amend Sections 2246 and 2247 of the Laws of Oregon, as Compiled and Annotated by W. Lair Hill, Relating to the Boundaries of Clatsop County, and the Line of Boundary between the Counties of Clatsop and Tillamook," approved February 20, 1891.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. That section 1 of an act entitled "An act to amend sections 2246 and 2247 of the laws of Oregon, as compiled and annotated by W. Lair Hill, relating to the boundaries of Clatsop county and the line of boundary between the counties of Clatsop and Tillamook," be and the same is hereby amended so as to read as follows:—

Sec. 1. That section 2246 of the general laws of Oregon, as compiled and annotated by W. Lair Hill, relating to the boundaries of the county of Clatsop, be and is hereby amended so as to read as follows:

§ 2246. The boundaries of the county of Clatsop shall be as follows: Commencing at a point where the west boundary line of Columbia county intersects the line of low tide on the south shore of the Columbia river, and thence southerly along the west boundary line of Columbia county to and along the line between ranges five and six west of the Willamette meridian to an intersection with the line dividing townships numbered three and four north; and thence west along the line dividing townships numbered three and four north to the shore of the Pacific ocean; and thence west to the west boundary line of the state of Oregon; and thence northerly along said west boundary line of said state to a point due west of and opposite the middle of the north ship channel of the Columbia river; thence easterly to and up the middle channel of said river along the north boundary line of the state of Oregon to a point due north of the point of beginning, and thence south to the point of beginning. And said Clatsop county and the courts in and for the said county are hereby vested with jurisdiction in civil and criminal cases upon the Columbia river to the north shore thereof opposite the said county of Clatsop.

Filed in the office of the secretary of state, February 20, 1893.

AN ACT

[S. B. 207.]

To Change the Boundary Line of Multnomah and Clackamas Counties in the State of Oregon.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. That portion of Clackamas county, Oregon, lying within the present boundary lines of the city of Sellwood, and described as follows: Commencing at a point at the $\frac{1}{4}$ post between sections 23 and 26, township 1 south, range 1 east; thence east to the east line of said city of Sellwood; thence south along the east line of said city of Sellwood to the southeast corner of said city; thence west and westerly along the south line of said city to the center of the Willamette river; thence down the center of said river to the line between sections 22 and 27, township 1 south, range 1 east; thence east along the line between sections 22, 27, 23, and 26 to the place of beginning,—be and the same is hereby detached from the county of Clackamas and annexed to the county

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of Multnomah. All acts and parts of acts in conflict with this act are hereby repealed.

Section 2. The county court of Multnomah county, Oregon, shall procure or cause to be procured properly attested copies of the records of Clackamas county, Oregon, affecting the title to real estate situated in the territory described in section one of this act, and have the same recorded in the records of Multnomah county, Oregon, and thereafter such records shall be recognized and become a part of the official records of said Multnomah county, Oregon.

Filed in the office of the secretary of state, February 20, 1893.

AN ACT

[S. B. 15.]

To Prevent a Person from Trespassing upon any Enclosed Premises or Lands not His Own Being Armed with a Gun, Pistol, or other Firearm, and to Prevent Shooting upon or from the Public Highway.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. It shall be unlawful for any person, other than an officer on lawful business, being armed with a gun, pistol, or other firearm, to go or trespass upon any enclosed premises or lands without the consent of the owner or possessor thereof.

Section 2. It shall be unlawful for any person to shoot upon or from the public highways.

Section 3. It shall be unlawful for any person, being armed with a gun or other firearm, to cause, permit, or suffer any dog, accompanying such person, to go or enter upon any enclosed premises without the consent of the owner or possessor thereof; *provided*; that this section shall not apply to dogs in pursuit of deer or var-mints.

Section 4. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than fifteen dollars nor more than fifty dollars, and in default of the payment of the fine imposed shall be committed to the county jail of the county in which the offense is committed, one day for every two dollars of the said fine.

Section 5. Justices of the peace for the proper county shall have jurisdiction of the trial of offenses herein defined.

Filed in the office of the secretary of state, February 20, 1893.

AN ACT

[H. B. 318.]

To Reimburse Certain Counties in this State, entitled to Rebate on Account of Overpaid Taxes.

Whereas under a decision of the supreme court of the state of Oregon, filed June 18, 1892, certain taxes levied by the governor, the secretary of state, and state treasurer, acting jointly as a state board of levy, were declared illegal; and whereas prior to the rendition of the decision referred to, sundry amounts were paid into the state treasury and the official receipt of the state treasurer issued therefor to the treasurers of the counties hereinafter named, thus overpaying the amount due from said counties for the year 1891; therefore,

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. That the state treasurer be and hereby is authorized and directed to credit the counties hereinafter named with the amounts overpaid by them on account of state taxes for the year 1891, upon any taxes now due, or that may become due from such counties, as follows:—

To Columbia county—		
Current expense tax, 1891	-----	\$152 54
Militia tax, 1891	-----	6 55
University tax, 1891	-----	4 68—\$163 77
To Grant county—		
Militia tax, 1891	-----	\$ 2 56
University tax, 1891	-----	1 83—\$ 4 39
To Harney county—		
Militia tax, 1891	-----	\$ 34 95
University tax, 1891	-----	24 96—\$ 59 91
To Josephine county—		
Current expense tax, 1891	-----	\$483 81
Militia tax, 1891	-----	21 77
University tax, 1891	-----	14 83—\$520 41
To Klamath county—		
Militia tax, 1891	-----	\$ 34 58
University tax, 1891	-----	24 68—\$ 59 26
To Lake county—		
Militia tax, 1891	-----	\$ 67 94
University tax, 1891	-----	48 54—\$116 48
To Lane county—		
Militia tax, 1891	-----	\$ 14 53
University tax, 1891	-----	10 37—\$ 24 90

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To Sherman county—

Current expense tax, 1891-----	\$ 19 29
Militia tax, 1891-----	82
University tax, 1891-----	59—\$ 20 70

Section 2. That the state treasurer be and is hereby authorized and directed to credit to Umatilla county on account of the current expense and the special state taxes for 1891, the sum of \$224.05, on account of errors in the assessment roll of said county of 1891, as shown by a statement on file in the office of the secretary of state.

Section 3. Inasmuch as the counties named have been for several months deprived of the use of the several amounts named, this act shall take effect and be in force from and after its approval by the governor.

Approved February 21, 1893.

[NOTE.—See note respecting H. B. 318 under head of "Certificate of Secretary of State," *post.*]

AN ACT

[S. B. 159.]

To Provide for the Satisfaction of Mortgages when Foreclosed.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. That it shall be the duty of all clerks of the circuit court in the counties where there is a recorder, whenever a decree of foreclosure shall be returned in such court foreclosing a mortgage on real estate, to make out a certificate stating that such mortgage has been foreclosed, and the date of such foreclosure, and the number of the journal and page thereof in which such decree is entered, and deliver the same to the recorder, and thereupon such recorder shall enter upon the margin of the record of such mortgage the word "foreclosed," and the date of such foreclosure with the number and page of the journal of such decree.

Section 2. In counties where the county clerk acts as recorder of conveyances, he shall, upon the entry of any decree foreclosing a mortgage on real estate, make on the margin of the record of such mortgage the record provided for in section 1 of this act.

Section 3. Whenever any person shall present to the recorder of conveyances, or county clerk acting as such, a certificate from the clerk of the United States circuit court of the foreclosure of any mortgage on real estate, as provided in section 1 of this act, such recorder shall make the record so provided in such section.

Approved February 21, 1893.

AN ACT

[S. B. 145.]

To Authorize County Courts to Offer Rewards for the Apprehension of Criminals and Fugitives from Justice.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. If any person or persons charged with or convicted of any felony within this state, shall break prison, escape, or flee from justice, or abscond, or secrete himself, in such cases it shall be lawful for the county court of such county where said crime has been committed, if the said court shall deem necessary, to offer a reward not to exceed the sum of one thousand (\$1,000) dollars for the apprehension and delivery of each of the bodies of said person or persons to the custody of such officer as the said court shall direct.

Section 2. Any person apprehending and delivering the body or bodies of such person or persons to the proper officer and producing to the county court the receipt of such officer, shall be entitled to and shall be paid the reward offered by the county court.

Section 3. The county court shall on the presentation of the duly certified claim of the applicant for reward and accompanied by the proper orders and receipts, shall certify the amount offered in such reward to the county clerk of such county under the seal of such county court, and the county clerk of such county shall draw a warrant on the treasurer of such county for the amount so authorized.

Section 4. If the sheriff of any other county than the one where said crime was committed apprehend the said criminal, he shall elect to receive either the reward offered or the regular fees allowed him by law for such service.

Approved February 21, 1893.

AN ACT

[S. B. 59.]

To Amend an Act entitled "An Act to Provide Times and Places of Holding the Terms of Court in the Sixth Judicial District of the State of Oregon, and to Repeal all Acts and Parts of Acts in Conflict with this Act," and to Increase the Salaries of the Judges therein.

Be it enacted by the Legislative Assembly of the State of Oregon:

That an act entitled an act to provide the time and places of holding the circuit court in the sixth judicial district in the state of Oregon, and to repeal all acts and parts of acts in conflict with this

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act, which act was approved February 20, 1891, be and the same is hereby amended so as to read as follows:—

Section 1. That the circuit court of the state of Oregon in and for the sixth judicial district of said state, shall be held each year at the county seat of the respective counties of said district as follows, to wit:—

In the county of Umatilla, on the third Monday in January, the first Monday in June, and the second Monday in October.

In the county of Union, on the fourth Monday in February, the second Monday in July, and the fourth Monday in October.

In the county of Wallowa, on the third Monday in April and the third Monday in September.

In the county of Baker, on the third Monday in June, the second Monday in November, and the second Monday in February.

In the county of Malheur, on the first Monday in June and the fourth Monday in November.

In the county of Grant, the fourth Monday in May and the second Monday in October.

In the county of Harney, on the third Monday in May and the fourth Monday in October.

Section 2. Inasmuch as there exists at the present, in order to dispatch the business of said district, a necessity for the passage of this act, it is further provided that the same shall be in force and effect from and after its approval by the governor.

Approved February 21, 1893.

AN ACT

[S. B. 45.]

To Amend Section 951 of Title I. of Chapter XII. of the Code of Civil Procedure, as Compiled and Annotated by W. Lair Hill, and Section 954 of Title II. of Chapter XII. of the Above-mentioned Code, and Sections 958 and 968 of Title III. of Chapter XII. of the Above-mentioned Code.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. That section 951 of title I. of chapter XII. of the code of civil procedure, as compiled and annotated by W. Lair Hill, be and the same is hereby amended so as to read as follows:—

§ 951. A person may be excused from acting as a juror when his own health or the death or sickness of a member of his family requires his absence; but no person shall be required to serve as a petit juror at any one term of the court for more than four weeks, and shall upon application be entitled to be discharged from further attendance upon the court as such juror at such term, after he has served for such period of four weeks as aforesaid.

Section 2. That section 954 of title II. of chapter XII. of the code of civil procedure, as compiled and annotated by W. Lair Hill, be and the same is hereby amended so as to read as follows:—

§ 954. The jury list shall contain the names of at least two hundred persons, if there be that number of qualified jurors upon the assessment roll, and not more than six hundred persons. They shall be selected from the different portions of the county in proportion to the number qualified upon the assessment roll as much as practicable.

Section 3. That section 958 of title III. of chapter XII. of the above-mentioned code, be and the same is hereby amended so as to read as follows:—

§ 958. For the circuit court, thirty-one names shall be drawn, from which number the grand and trial jurors for the term are selected, as elsewhere provided in this code; *provided*, that in districts composed of no more than one county and having more than one judge of that circuit court in said district, a large number of jurors shall be drawn when ordered by the oldest judge in commission of such circuit court, in his discretion; or, in case of his absence or inability to act, the next oldest in commission. For the county court, twelve names shall be drawn, from which number the trial juries are selected in like manner.

Section 4. That section 968 of title III. of chapter XII. of the above-mentioned code, be and the same is hereby amended so as to read as follows:—

§ 968. Whenever, for any reason, the number of jurors, either in whole or in part, required by this code, do not attend a term of the court, or when they have served the full time required by this code as jurors, and have been discharged, as elsewhere provided, the court has power to order an additional number of jurors drawn from the jury box to fill up the regular panel in the same manner as the original panel is required to be drawn, which jurors shall be summoned and required to attend as jurors in the same manner and with like effect as if drawn on the original panel; *provided*, that whenever the regular panel becomes exhausted for any reason, the court may in its discretion direct the sheriff to summon forthwith from the body of the county, persons whose names are upon the tax roll and having the qualifications of jurors to serve in said cause, but persons so summoned from the body of the county shall not be disqualified by reason thereof from being drawn and serving as jurors upon the regular panel as hereinbefore provided and shall not be subject to challenge for that cause.

Approved February 21, 1893.

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AN ACT

[S. B. 22.]

To Define and Punish Obstruction to Railroads, Railroad Trains, Railroad Tracks, Street Cars and Street-Car Tracks in the State of Oregon, and to Protect the Passengers and Employés Riding upon any Train or Car in said State.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. Any person who shall wilfully or maliciously place any obstruction on any railroad track or roadbed, or street-car track in the state of Oregon, or who shall, without the right so to do, loosen, tear up, remove, or misplace any rail, switch, frog, guard-rail, cattle-guard, or any part of such railroad track or roadbed or street-car track, or who shall, in any manner so as to endanger the safety of any train, car, or engine, or so as to endanger or injure any passenger or person riding thereon, tamper with or molest any such road, roadbed, track, signal flag or signal torpedo, shall, upon conviction thereof, be punished by imprisonment in the penitentiary not exceeding ten years or by imprisonment in the county jail not exceeding one year.

Section 2. Any person who shall, within the state of Oregon, wilfully or maliciously place any obstruction upon any railroad track or roadbed, or street-car track, or shall misplace, remove, obstruct, detach, damage, or destroy any rail, switch, frog, guard-rail, cattle-guard, or any other part of such railroad track or roadbed or street-car track, thereby causing the death of any passenger or employé of such railroad or street railway, shall, upon conviction thereof, be deemed guilty of murder and punished accordingly.

Section 3. Whereas the public safety is imperiled on account of attempted train wrecks by evil-minded persons, and there is no adequate protection against the same under existing law, this act shall take effect and be in force from and after its approval by the governor.

Approved February 21, 1893.

AN ACT

[H. B. 379.]

To Provide for the Collection of Taxes.

Whereas the act known as house bill No. 125, passed at the present session of the legislature, appears to repeal the method now provided for the collection of taxes on mortgages for the year 1892 as same are now assessed and have been equalized on the assessment rolls for said year; and whereas it was not intended that

A C T S

OF THE

STATE OF TENNESSEE,

PASSED BY THE FIRST SESSION OF

THE THIRTY-SIXTH GENERAL ASSEMBLY

FOR THE YEARS 1869-70.

PUBLISHED BY AUTHORITY.

NASHVILLE, TENN.:
JONES, PURVIS & CO., PRINTERS TO THE STATE.

1870.

CHAPTER XXI.

AN ACT to Amend An Act, passed on the 13th of March, 1868, entitled "An Act to amend the revenue laws of the State."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act to amend the revenue laws of the State, passed on the 13th day of March, 1868, be so amended as to impose a tax of fifty cents on each ^{Hotels and} Livery Stable room except two in a hotel or tavern, and a tax of fifty cents on each stall in a livery stable, or stable kept by hotel or tavern keepers, instead of one dollar, as now imposed by law.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

W. O'N. PERKINS,
Speaker of the House of Representatives.
D. B. THOMAS,
Speaker of the Senate.

Passed November 27, 1869.

CHAPTER XXII.

AN ACT to Amend the Criminal Laws of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all voters in this State shall be required to vote in the civil district or ward in which they may reside. Any person violating this Act shall be guilty of a misdemeanor, and upon conviction thereof shall not be fined less than twenty nor more than fifty dollars; *Provided*, that sheriffs and other officers holding elections shall be permitted to vote at any ward or precinct in which they may hold an election. ^{To vote in Civil District or Ward.}

SEC. 2. *Be it further enacted*, That it shall not be lawful for any qualified voter or other person attending any election in this State, or for any person attending any fair, race course, or other public assembly of the people, to carry ^{Deadly Weapons.} about his person, concealed or otherwise, any pistol, dirk, bowie-knife, Arkansas tooth-pick, or weapon in form, shape

or size, resembling a bowie-knife, or Arkansas tooth-pick, or other deadly or dangerous weapon.

Penalty. SEC. 3. *Be it further enacted*, That all persons convicted under the second section of this Act shall be punished by fine of not less than fifty dollars, and by imprisonment, or both, at the discretion of the Court.

Liquor Shops. SEC. 4. *Be it further enacted*, That no liquor shop in this State, shall be kept open on election days, nor shall any person, on said days, give or sell intoxicating liquors to any person for any purpose at or near an election ground.

Grand Juries. SEC. 5. *Be it further enacted*, That the grand juries of this State shall have inquisitorial powers concerning the commission of the offenses created by these Acts, and may send for witnesses, as in cases of gaming, illegal voting, tippling and offenses now prescribed by law.

Judges. SEC. 6. *Be it further enacted*, That it shall be the duty of the Circuit and Criminal Judges of this State to give the above in special charge to the several grand juries of the courts.

Proviso. SEC. 7. *Be it further enacted*, That there shall be no property exempt from execution for fines and costs for this offense; *Provided*, That, if from any cause, there should be a failure to hold an election in any civil district or ward, then nothing in this Act shall be so construed as to prevent any voter from voting in any other civil district or ward in his county or town, for State or county officers, at the time prescribed by law.

SEC. 8. *Be it further enacted*, That this Act shall take effect from and after its passage.

W. O'N. PERKINS.

Speaker of the House of Representatives.

D. B. THOMAS,

Speaker of the Senate.

Passed December 1, 1869.

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GENERAL LAWS

OF THE

TWELFTH LEGISLATURE,

OF THE

STATE OF TEXAS.

CALLED SESSION.

BY AUTHORITY.



AUSTIN:
PRINTED BY TRACY, SIEMERING & CO.
1870.

GENERAL LAWS.

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CHAPTER XLVI.

AN ACT REGULATING THE RIGHT TO KEEP AND BEAR ARMS.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That if any person shall go into any church or religious assembly, any school room or other place where persons are assembled for educational, literary or scientific purposes, or into a ball room, social party or other social gathering composed of ladies and gentlemen, or to any election precinct on the day or days of any election, where any portion of the people of this State are collected to vote at any election, or to any other place where people may be assembled to muster or to perform any other public duty, or any other public assembly, and shall have about his person a bowie-knife, dirk or butcher-knife, or fire-arms, whether known as a six shooter, gun or pistol of any kind, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty or more than five hundred dollars, at the discretion of the court or jury trying the same; provided, that nothing contained in this section shall apply to locations subject to Indian depredations; and provided further, that this act shall not apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law.

SEC. 2. That this act take effect and be in force in sixty days from the passage thereof.

Approved August 12, 1870.

CHAPTER XLVII.

AN ACT AUTHORIZING THE GOVERNOR TO ORDER AN ELECTION TO BE HELD IN HILL COUNTY FOR THE PERMANENT LOCATION OF THEIR COUNTY SEAT.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Governor of the State of Texas be, and is hereby authorized to order an election to be held in the county of Hill, on the second Monday in September, A. D. 1870, (or as soon thereafter as possible), for the permanent location of the county seat of the

GENERAL LAWS.

county of Hill; said election shall be held at such places and under such rules and regulations as the Governor may prescribe.

SEC. 2. That the returns of said election shall be made to the Secretary of State, within twenty days after said election shall have been held, and the town receiving two-thirds of the votes cast shall be the permanent county seat of the county of Hill, but should no place receive two-thirds of the votes cast, the present county seat shall remain the permanent one.

SEC. 3. That the Governor shall, within twenty days after the returns of said election shall have been received, notify the Police Court of the county of Hill of the result of said election.

SEC. 4. That this act be in force from and after passage.

Approved August 12, 1870.

CHAPTER XLVIII.

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF THE EXPENSES OF MAINTAINING RANGING COMPANIES ON THE FRONTIER.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of seven hundred and fifty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any moneys in the State Treasury (derived from the sale or hypothecation of the bonds of the State issued for frontier protection), for the purpose of paying all expenses connected with the organization, arming and maintenance of the ranging companies on the frontier, called into service under the provisions of the act approved June 13, 1870.

SEC. 2. That this appropriation shall be expended under the direction of the Governor; and the Comptroller of Public Accounts shall, under the special direction of the Governor, audit all claims and accounts incurred for the purposes hereinbefore mentioned, and shall draw his warrant on the Treasurer for the payment of the same.

SEC. 3. That this act shall take effect from and after its passage.

Approved August 12, 1870.